

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
SOUTHEASTERN DIVISION**

HENRY HAMILTON, <i>Individually and</i>)	
<i>on behalf of others similarly situated,</i>)	
)	
Plaintiff,)	Case No. 1:14-cv-00109ACL
)	
V.)	
)	
CITY OF HAYTI, MISSOURI,)	
GLENDA OVERBY, CALVIN)	
RAGLAND, AMY LEEANN LANNIE,)	
AND MACO MANAGEMENT CO.,)	
INC.,)	
)	
Defendants.)	

DEFENDANT MACO MANAGEMENT CO., INC.'S MOTION TO DISMISS

COMES NOW Defendant Maco Management Co., Inc. ("Maco"), by counsel, and pursuant to Rule 12(b)(6) hereby moves the Court to dismiss all claims against it in this case. In support of its Motion, Maco states as follows:

1. Plaintiff Henry Hamilton ("Plaintiff") filed his Amended Complaint in this case on September 8, 2014.
2. The Amended Complaint contains five counts against Maco, including several federal and state law claims.
3. Count I alleges a violation of 42 U.S.C. § 1983, and should be dismissed because Plaintiff has not alleged any viable theory of liability against Maco, a private corporation.
4. Count II alleges that Maco violated Federal housing laws. Count II should be dismissed because the claim is time-barred, and in any event, the Amended Complaint does not contain any allegations of discriminatory conduct.

5. Count III alleges violations of the Missouri Constitution, Missouri Statutes and Missouri Supreme Court Rules based on the actions of other defendants in requiring Plaintiff to post a cash bond in his criminal case. Count III should be dismissed because Maco has no authority, duty or obligations under the provisions cited by Plaintiff.

6. Count IV alleges state tort claims for false imprisonment and malicious prosecution. Both claims are time-barred and should be dismissed.

7. Count V alleges a civil conspiracy against Maco and all other defendants. Count V should be dismissed because civil conspiracy is not an independent cause of action and Plaintiff has no underlying claim upon which to base the conspiracy.

8. For these and other reasons discussed in Maco's Memorandum in Support of its Motion to Dismiss, filed contemporaneously herewith, the claims against Maco should be dismissed.

WHEREFORE, Maco respectfully requests that this Court grant its Motion to Dismiss, dismiss all claims against it in this case, and for such other and further relief as this Court deems just and proper under the circumstances.

Respectfully submitted,

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By /s/ John C. Steffens
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ATTORNEYS FOR DEFENDANTS
AMY LEEANN LANNIE AND
MACO MANAGEMENT CO., INC.

CERTIFICATE OF SERVICE

I hereby certify that on October 3, 2014 the foregoing was filed electronically with the Clerk of Court to be served by operation of the Court's electronic filing system to the attorneys of record in this case.

/s/ John C. Steffens